



Dennis J. Duffin
Director

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The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-3352

May 22, 1985

AO-1985-05

James Roosevelt, Jr., Esquire
Herrick & Smith
100 Federal Street
Boston, MA 02110

Dear Mr. Roosevelt:

You have requested an advisory opinion concerning the application of G.L. c. 55, the campaign finance law, to the payment of expenses of delegates to the Democratic State conventions by local ward, town and city committees.

Ward, city and town committees are political committees duly organized with this office in accordance with G.L. c. 55. As such they are subject to Section 6 of Chapter 55, which states, in relevant part, "Any other political committee, duly organized may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use..." However unlike all other political committees registered with this office, the ward, city and town committees are also organized under and subject to the provisions of G.L. c. 52 and the Charter of the Democratic Party of the Commonwealth of Massachusetts. Therefore, in regulating expenditures by these unique political committees we must allow for a harmonious application of all legal provisions to which these committees are subject.

Delegates to the Democratic State Convention are elected at caucuses called by the ward and town committees of the Democratic Party. These delegates are selected by all voters enrolled in the Democratic Party in the particular ward and town. Therefore, these delegates bear a quite different relationship to the city, ward, and town political committees than they do to any other political committee, and a determination of the extent to which city, ward and town committees may pay for delegate expenses must take that into account.

Mr. Roosevelt, Jr.

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In my opinion, 970 C.M.R. 2.05 (1) (1) [made applicable to city, ward and town committees by 970 C.M.R. 2.06 (3)], would permit these political committees to pay for certain travel and related expenses for the delegates elected at caucuses called by the particular city, ward or town committee. That regulation provides that political committees may make expenditures for

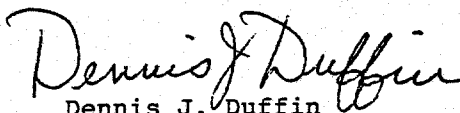
"Reasonable travel and related expenses for...agents of a political committee in connection with...conventions, provided that the issues with which any such...convention is concerned are, within the scope of that person's direct and substantial responsibilities as an...agent of the committee, and whose subject matter is related to at least one of the following:

1. party politics..."

The facts surrounding the payment of reasonable travel and related expenses by city, ward and town committees for their delegates to the Democratic State Convention appear to meet the necessary criteria under this regulation, and are therefore permitted. However, these expenses must be reasonable, and may not extend beyond payment for transportation to and from the convention, and appropriate room and board expenses through the duration of the convention and delegate fees. Each committee must treat all of its delegates in an identical manner, and may not provide a higher stipend for one delegate as opposed to another.

This opinion should, in no way, be construed to permit political committees, other than city, ward and town political committees, to expend funds for travel or room and board expenses for delegates to political party conventions.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep